

MASSACHUSETTS

Public Employee Retirement Administration Commission

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M E M O R A N D U M

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Notice of non-discrimination as part of the settlement of
EEOC v. Commonwealth et al.

DATE: April, 24, 2000

As part of the settlement of a suit by the Equal Employment Opportunity Commission against the Commonwealth (which is still being negotiated), all retirement boards must give all active members notice that the Commonwealth will not enforce the maximum age provisions of G.L. c. 32, § 7 for most members. The easiest method of providing such notice is by printing a statement on employees' payroll check or direct deposit stubs. This notice should be placed as soon as possible. At some point, each board may need to certify that the message was delivered to all active members and, as a result, each board should retain proof of delivery.

The statement to be printed on the payroll or direct deposit stubs is:

In a case filed against the Commonwealth by the Equal Employment Opportunity Commission, a Federal Court has held that the age limits on eligibility for accidental disability retirement benefits under Ch.32, s.7(1), violate the federal Age Discrimination in Employment Act. Except in limited circumstances, the Commonwealth will no longer enforce those age limits. For details see PERAC's website at www.state.ma.us/perac/new.htm or call 617/591-8966.

Some boards may find it easier to mail this notice to each active member of the retirement system rather than having the message printed on check and direct deposit stubs. That is an appropriate alternative and should be done promptly.

Information on how retirement boards are to search for potential applicants and process applications for retroactive benefits will be forthcoming. Please see PERAC Memo #14/2000 for further information on the status of this suit. Thank you for your cooperation in this matter. We trust the foregoing is of assistance. If you have further questions or concerns, please contact this office.